

1 THE WITNESS: Yeah, we went to Terre Haute with
2 the expressed purpose of letting him go, because he just
3 wasn't working out with the format. Every time I would go
4 over there and tweak, fine tune the format, he would -- you
5 know, then I would go back to my station, he would start
6 veering back off focus again

7 So Mike finally decided that it was time to get
8 rid of him, and that's when we moved Ben Jacobs Orzeske from
9 KFMZ to WZZQ

10 JUDGE STEINBERG: Okay You said Mike, Mike
11 thought it was time to get rid of him.

12 THE WITNESS: Yeah

13 JUDGE STEINBERG: How did you know that?

14 THE WITNESS: Oh, he told me so.

15 JUDGE STEINBERG: What did he say?

16 THE WITNESS: He just said, "How come whenever I
17 go to Terre Haute after we had been there the station sounds
18 fine when we are leaving, then I call it up on a listen line
19 a month later and it doesn't sound like the same station
20 that we had when we were there?"

21 And I said, "The only answer I have is that he is
22 not following my direction."

23 JUDGE STEINBERG: And then what happened?

24 THE WITNESS: Well, I went back over and fixed it
25 again. And there was a point when frustration came about

1 and Mike just said, "Well, that's it. We are going to do
2 something different."

3 I said, "Okay, do you want me to start a search?"

4 He says, "Yeah, I'll do a little looking around
5 too."

6 And then I had suggested that Ben Jacobs be moved,
7 he had been my music director at KFMZ, I suggested he be
8 moved from KFMZ over to WZZQ, and Mike thought that was a
9 pretty good idea, thinking that, you know, somebody that had
10 worked under me could help keep that format focused. So
11 that was the thinking behind that. And so that's why Mark
12 Savage was let go.

13 JUDGE STEINBERG: Okay. Now, you said you went to
14 Terre Haute. Where did you leave from?

15 THE WITNESS: I left from Columbia, and then I
16 picked up Janet and Mike at their -- yeah, I think they were
17 in St. Peters at that time, the St. Peters office; their
18 office in the West County area.

19 And we drove over, and fired him.

20 JUDGE STEINBERG: Okay who drove?

21 THE WITNESS: I did.

22 JUDGE STEINBERG: And how long a drive is that, or
23 was it?

24 THE WITNESS: Oh, I think from St. Louis it was
25 about four hours.

1 JUDGE STEINBERG: Okay, did you have any talks in
2 the car on the ride over?

3 THE WITNESS: On the ride over. Well, we talked
4 about -- I mean, anytime you get me and Mike and Janet all
5 together you're going to talk about radio in some facet.
6 You know, we would scan the radio dial, listen to other disc
7 jockeys. So it was a real -- it was a radio pow-wow; you
8 know, radio junkies getting together and talking, especially
9 between me and Mike cause we both love radio so much.

10 But specifically, I don't recall anything going
11 over.

12 JUDGE STEINBERG: Okay, you went to Terre Haute,
13 and then what happened in Terre Haute?

14 THE WITNESS: We met in John Rhea's office. He
15 was the general manager at the time. And Mike and I sat
16 there with John Rhea and Janet went downstairs. The PD's
17 office was downstairs in the building. Went downstairs and
18 fired him.

19 JUDGE STEINBERG: Okay, Janet went downstairs and
20 fired him?

21 THE WITNESS: Yes.

22 JUDGE STEINBERG: But you weren't there when he
23 was --

24 THE WITNESS: No.

25 JUDGE STEINBERG: When Mr. Savage was fired?

1 THE WITNESS: No. Janet was the only one there.

2 JUDGE STEINBERG: Okay. But you and Mr. Rice and
3 Mr. Rhea were having a conversation at that time?

4 THE WITNESS: Yes. Yeah, he was saying -- and
5 that's where that phrase, "You know, I can't do that
6 anymore. Janet has to do that," you know, where that kind
7 of stuff came up.

8 JUDGE STEINBERG: And that came up when you were
9 talking with Mr. Rhea and Mr. Rice?

10 THE WITNESS: Yes.

11 JUDGE STEINBERG: When Janet Cox was firing Mr.
12 Savage?

13 THE WITNESS: Yes.

14 JUDGE STEINBERG: Okay. To the best of your
15 recollection, how did that go? How did that conversation
16 go?

17 THE WITNESS: That's really the most that I
18 remember.

19 MR. GAFFNEY: I would object to that, Your Honor,
20 insofar as I think the testimony now is that Janet Cox is
21 out of the room. How can this be --

22 JUDGE STEINBERG: No, no, no, no. Janet Cox is --

23 MR. GAFFNEY: I misunderstood Your Honor's
24 question.

25 JUDGE STEINBERG: Okay. Oh, I -- no, I broke in

1 too quickly. I didn't let you finish your objection.

2 Finish your objection.

3 MR. GAFFNEY: To the extent the question asks what
4 the conversations were with Janet Cox out of the room, I
5 can't see how this can be rebuttal to any of Janet Cox's
6 testimony on this issue or rebuttal to any of the testimony
7 in this issue. I think we have in the room now Mr. Hanks,
8 Mr. Rhea and Mr. Rice. I don't see where this witness as a
9 rebuttal witness can offer evidence that rebuts anything as
10 to those conversations.

11 JUDGE STEINBERG: Well --

12 MR. MASTANDO: May I reply, Your Honor?

13 JUDGE STEINBERG: The objection is overruled.

14 The Licensees' direct case asserts that Mr. Rice
15 was basically out of the loop except for the consultative
16 stuff that he did. And this is rebuttal to that direct
17 testimony. It doesn't have to be specific to -- it's, you
18 know.

19 Ms. Cox testified that he was out of the loop.
20 The direct case, all the documents that was submitted to the
21 Commission said that he was out of the loop, and this
22 witness's testimony is that he wasn't out of the loop. And
23 so the objection is overruled. I think it is proper
24 rebuttal.

25 MR. GAFFNEY: If I might, Your Honor?

1 It isn't rebuttal testimony. It's the evidence
2 that the Bureau should have put in in their case in chief.
3 The burden of proof in this case is to show that the
4 statements made in 165 reports were false. That would be to
5 show that Mike Rice had no involvement. That's their case
6 in chief.

7 Then we put on a case of our own, and now we have
8 rebuttal of our case. Not a revisitation of the direct case
9 of the Bureau. And I think to bootstrap in this evidence
10 that is supposed to be the burden of the Bureau's proof to
11 have submitted in their direct case in a timely fashion,
12 that to now use the back door of a rebuttal witness to put
13 evidence in, which is direct case evidence, is improper.

14 This witness is testifying, the nature of his
15 evidence now is the Bureau's case in chief on which they
16 have the burden of proof.

17 Calling in a rebuttal witness doesn't change the
18 nature of that evidence that he is now giving in this
19 courtroom.

20 JUDGE STEINBERG: Well, you have your objection.
21 The objection is overruled, and, you know, you can at the
22 appropriate time file exceptions if you deem it necessary.
23 But I think it's proper rebuttal. Frankly, it could be
24 either, but I don't think it's improper to introduce it as
25 rebuttal.

1 All right, you made your point.

2 Continue.

3 Oh, I think I was asking about the conversations
4 that you had while Ms. Cox was firing Mr. Savage. You and
5 Mr. Rhea and Mr. Rice were talking, and I think I asked you
6 to summarize those conversations. because you said something
7 came up in that -- some statements were made in that
8 conversation.

9 THE WITNESS: Yeah, the statement that Mike had
10 made about having Janet do that all the time because he
11 couldn't anymore.

12 And that goes back to the question that he asked
13 about was I ever told by management if Mike could be
14 involved with the station, and that's where that statement
15 comes from.

16 JUDGE STEINBERG: And you said "the question he
17 asked." Are you talking about Mr. Mastando?

18 THE WITNESS: I'm sorry.

19 Yes, that he asked about whether or not I was ever
20 told by management, and Mike was the only one that ever
21 said anything of that nature. And that is the -- that's one
22 particular instance that I can recall where that statement
23 was made.

24 BY MR. MASTANDO:

25 Q After Mark Savage was let go, would you tell us

1 about the return trip to St. Peters?

2 And in that return trip did you have -- did you
3 overhear any conversations between Janet Cox and Michael
4 Rice?

5 A The return trip I remember more specifically
6 because instead of more random radio discussions, or
7 industry discussions, or whatever, it was a more specific
8 pow-wow meeting. It was a meeting essentially.

9 And I was driving and Mike was in the front seat,
10 and Janet was in the middle seat of our mini-van. Ours, I'm
11 sorry, my family's mini-van. And Mike was having a
12 conversation with Janet about John Rhea. He was not pleased
13 with the way that John -- John Rhea's lack of motivation of
14 the sales staff. They thought they were a couple of losers,
15 to use his word, on the sales staff as well. And
16 specifically told Janet that "your guy has got to go." He
17 said "your guy as got to go" because it was referring -- I
18 had not known that until that point that Janet was the one
19 that actually hired John Rhea, recruited him and hired him.

20 And so when Mike said "your guy has got to go,"
21 that's kind of a Mike Rice phrase, and he was like real
22 shortly thereafter.

23 Mike said that -- I felt kind of weird being in
24 that situation because granted I was doing some corporate
25 stuff with the programming, but it felt strange to have, you

1 know, the owner and the CEO having a meeting right there
2 where you can't help but hear everything that's going on.
3 And even if you try to avoid hearing, you can't help but
4 hear it, and that's kind of a peculiar situation to be in
5 when you are an employee.

6 And I don't know whether Mike noticed that I felt
7 uncomfortable or what, and he just said something, you know,
8 like, "Oh, we have these little meetings all the time,"
9 something of that nature.

10 And that seemed to make me ease up a little more.
11 I just felt uncomfortable in that setting as an employee.
12 But I still -- I still felt uncomfortable.

13 Q Did he say anything else to you about his
14 conversations with Janet Cox?

15 A You mean other conversations?

16 Q Well, did he imply -

17 MR. GAFFNEY: Objection, Your Honor. That's
18 leading.

19 JUDGE STEINBERG: That started to be leading. So
20 why don't you just re -- you know.

21 MR. GAFFNEY: And if he finishes, it will be too
22 late, Your Honor.

23 JUDGE STEINBERG: That's true.

24 BY MR. MASTANDO:

25 Q On the trip home, did Michael Rice speak to you

1 about the nature of the conversations he's been having with
2 Janet Cox?

3 A I don't believe on the ride home, he didn't. I
4 mean, there were other times, you know, whenever I would
5 discuss management type things with Janet, you know, and
6 management of people or circumstances like that. And then,
7 you know, a few days later I would be talking to Mike or
8 something.

9 THE WITNESS: I'm sorry. They are talking, the
10 attorneys.

11 JUDGE STEINBERG: That's okay. The lawyers can
12 talk and pay attention to you at the same time. They are
13 like mothers.

14 THE WITNESS: When you are a disc jockey, you are
15 kind of self-centered and you have to -- you know.

16 JUDGE STEINBERG: Judges have that too. Judges
17 can also give the appearance of sleeping and paying
18 attention at the same time. It's a unique talent.

19 THE WITNESS: What I was going to say is I was
20 frequently surprised by conversations that I would have with
21 Janet about, you know, promotions or personnel type things
22 as far as management of personnel. And then talk to Mike a
23 day or two later and share the information with him as well,
24 and him already know it.

25 And I said, "Well, how did you know that?" And he

1 would say something, you know, "Well, Janet always keeps me
2 up to date, always keeps me informed," that kind of thing.
3 And I heard that on several occasions because it happened so
4 frequently.

5 BY MR. MASTANDO:

6 Q Did he characterize the conversations he had with
7 Janet Cox in the van?

8 A Well, you know, it was, you know, these little
9 meetings or little pow-wows. We have these little pow-wows
10 all the time, or we have these little meetings. Pow-wow is
11 a real popular word with Mike, and I think I have adapted
12 that to my vocabulary as well.

13 Q Did he mention that he tried to keep these
14 meetings hidden from other people?

15 MR. GAFFNEY: Objection?

16 JUDGE STEINBERG: Well,

17 MR. GAFFNEY: He has asked him five questions
18 about what Mike Rice said. Now he is putting words in the
19 witness's mouth.

20 JUDGE STEINBERG: I will sustain that.

21 BY MR. MASTANDO:

22 Q Okay, what -- what relationship did you have with
23 Michael Rice prior to 1991, before he went into the
24 hospital.

25 A Well, as a disc jockey, he was, you know, the

1 owner of the station. He would come into town and kind of
2 pat everybody -- would pat everybody on the bank, kind of a
3 morale booster. That was from a disc jockey perspective.

4 As a program director, he was -- I mean, he was as
5 involved as he ever had been, and that was, you know, in
6 respect of, you know, watching what I was doing as far as
7 the new music that I -- the quantity of new music I was
8 adding, critiquing the station, critiquing disc jockeys.
9 You know, reminding me to keep morale high among the ranks,
10 as he would say, and things of that nature.

11 I mean, I guess I am uncertain what you are asking
12 because they were -- both circumstances were the same. The
13 only time that there was a desperate need for Mike, I think,
14 was when he was in the hospital, because I no longer had
15 that contact, you know, with him to discuss -- Mike has a
16 good programming mind.

17 Q So --

18 A I'm sorry. I didn't get to finish that.

19 I didn't have the chance to discuss programming
20 things with him because he's a pretty bright programming
21 guy.

22 Q After he left the hospital, did his level of
23 involvement change?

24 A The level, yeah, just because we got involved with
25 the Terre Haute station. So there was more contact because

1 we weren't just talking about the station I was programming
2 anymore. We were talking about WZZQ and talent for the
3 whole company, and things of that nature.

4 So, so the kind of involvement was the same, but
5 there was more involvement just because we were doing more
6 projects.

7 Q What did you understand Michael Rice's authority
8 to be after April 1991?

9 A He was the owner of the station.

10 Q And?

11 A I mean, I was never told otherwise here.

12 Q Did any management or other owners of Lake
13 Broadcasting ever tell you not to do what Michael Rice
14 directed you to do because he was excluded from the
15 management or operations?

16 MR. GAFFNEY: Objection. There is no foundation
17 for this. He's talking about unidentified people, other
18 owners. The witness has just testified that he was only
19 told that Mike was the owner, and was never told otherwise.
20 That's his testimony on the record.

21 JUDGE STEINBERG: No, I think he mentioned Lake
22 Broadcasting too. He didn't mention Contemporary.

23 But if you want to break it down and say did Janet
24 Cox ever tell you -- who was your general manager of the
25 station you worked at?

1 THE WITNESS: During this time frame?

2 JUDGE STEINBERG: After '91, after Mr. Rice left
3 the hospital.

4 THE WITNESS: Oh, that was Richard Hauschild.

5 JUDGE STEINBERG: Do you want to say did Mr.
6 Hauschild ever tell you, did you ever attend a meeting where
7 Mr. Hauschild or Janet Cox; you know, roll in the other
8 owners. I don't think there are any other owners of
9 Contemporary but there are other owners of Lake. Mention
10 the names if you want to roll it -- I mean, ask separate
11 questions and get answers to each question.

12 BY MR. MASTANDO:

13 Q Did Malcolm Rice, Michael Rice's father, and a
14 director of the Contemporary Broadcasting --

15 JUDGE STEINBERG: He knows who these people are.
16 Just ask the names. Make it as short and as simple as
17 possible.

18 BY MR. MASTANDO:

19 Q Did Malcolm Rice ever tell you not to do what
20 Michael Rice directed you to do?

21 A No.

22 JUDGE STEINBERG: After Rice left the hospital.

23 MR. MASTANDO: Thank you, Your Honor.

24 THE WITNESS: No. No, he did not.

25 //

1 BY MR. MASTANDO:

2 Q Did Ken Kunzie ever tell you not to do what
3 Michael Rice directed you to do after Michael Rice left the
4 hospital?

5 A No.

6 Q Did Dennis Clautser ever tell you not to do what
7 Michael Rice told you to do after Michael Rice left the
8 hospital in 1991?

9 A No. Dennis Clautser, that's Casey van Allen, is
10 that -- okay. No, he did not either.

11 Q Did John Rhea ever tell you not to do what Michael
12 Rice told you to do after April of 1991?

13 A No.

14 Q Did Ken Brown ever tell you not do what Michael
15 Rice told you to do after April of 1991?

16 A Nobody ever told me not to listen to what Mike
17 Rice said.

18 Q To include Janet Cox?

19 A Oh, absolutely.

20 Janet Cox, Richard Hauschild, who was the other
21 manager right before John Rhea -- that may have been earlier
22 too -- Mike, none of them ever told me not to listen to what
23 Mike Rice did. I mean, he was the owner of the station.
24 What he said went.

25 Q Did Janet Cox ever come to the station after

1 Michael Rice had been hospitalized and speak to the staff?

2 A Yes, actually because everybody at the station
3 had, well, first of all, the chain of events was really
4 horrible for the station because all the St. Louis news
5 stations got the stories about the charges that were -- I
6 guess the charges against Mike.

7 MR. GAFFNEY: Just an objection. This is going
8 way beyond the question. He asked him if there was a
9 meeting.

10 JUDGE STEINBERG: Okay, and he is putting it in
11 context. Right?

12 THE WITNESS: Yeah. Yes, sir. I'm sorry.

13 JUDGE STEINBERG: Okay, you can put it in context
14 and then answer the question.

15 THE WITNESS: Okay. Morale was really bad because
16 these St. Louis stations were on cable in Columbia, and so
17 everybody saw the news about that whole circumstance. And
18 then we found out, you know, again through the radio grape
19 vine that Mike had been hospitalized. And so with the
20 combinations of the charges and the hospitalization we were
21 all like, jeez, are we still going to have jobs? Is this
22 place going to close? So there was serious morale problems.

23 So based upon that then Janet Cox came to the
24 station and conducted an entire staff meeting, and --
25 //

1 BY MR. MASTANDO:

2 Q What did she say at the staff meeting?

3 A She informed us that she was now CEO of the
4 company, and that she had been appointed CEO by the board of
5 directors. I didn't even know the station had a board of
6 directors. And, you know, so it was a learning experience
7 for all of us. But she told us to -- that she was CEO of
8 the company, and that the station was not going to close.
9 It was not going to lose its license. Business was good.
10 Things were fine. Everybody has got their jobs. No need to
11 worry; no need to panic.

12 Q Did she say what role Michael Rice had in the
13 organization at that point?

14 A No. No, she just said that she was CEO of the
15 company.

16 Q Did she say he had been excluded or was pulled
17 from the operation, day-to-day control?

18 A No, I don't recall anything like that.

19 Q Did she mention a board resolution that had been
20 passed to exclude Michael Rice from his positions?

21 A I don't remember that. The only thing that she
22 said about a board was a board of directors, or the board of
23 directors or something had appointed her CEO. That's all
24 that I -- that's all that I recall from that, regarding
25 that, you know, any kind of like corporate structure or

1 anything.

2 Q As a program director for KFMZ and a group program
3 director for the larger entities, were you responsible for
4 evaluating or firing, hiring announcers as well as other
5 program directors?

6 A I was not responsible for the actual hiring of
7 program directors at the WZZQ station. But when it came to
8 disc jockeys, I was responsible at KFMZ for, you know,
9 hiring, firing, training, managing the air staff.

10 At WZZQ, I did recruit and essentially hired -- I
11 say I essentially hired somebody. I gave them what their
12 dollar figures were going to be, and then I told them "But
13 you have to talk to Todd Hohlman because he is the program
14 director there and he needs to officially hire you." That's
15 a real common trend in the company. It's like, well, you
16 have got to do this instead. And then they were actually
17 hired by Todd Hohlman in that case. But essentially she was
18 hired by me.

19 And so that's the extent of actual hiring of a
20 disc jockey that I did over at WZZQ, with the exception, I
21 guess, of Ben Jacobs, who I had hired at KFMZ originally and
22 then promoted over there.

23 Q Do you recall Janice Pratt?

24 A Yes, she was an overnight person on the air at
25 KFMZ.

1 Q Did Rice ever talk to you about Janice Pratt's job
2 performance?

3 A Yes.

4 JUDGE STEINBERG: This is Mike Rice?

5 MR. MASTANDO: Did I --

6 THE WITNESS: Mike Rice Michael. I'm sorry. I
7 always called him Mike.

8 BY MR. MASTANDO:

9 Q Did Michael Rice ever talk to you about her job
10 performance? And you said yes.

11 My question was, what did he say to you about her
12 job performance?

13 A He said that -- he talked about how bad she
14 sounded on the air; that she screeches or squawks, and
15 wondered if she sounded like that when she had sex and all
16 this kind of stuff. I don't know I didn't think it was
17 really too appropriate. But Mike wanted me to let her go
18 because he thought that she was really hurting our
19 overnight.

20 So I started doing a search to replace her, but
21 that got kind of derailed because I had another problem in
22 there as well.

23 Q So you said that Michael Rice directed you to fire
24 Janice Pratt; is that correct?

25 JUDGE STEINBERG: No, he didn't say that.

1 THE WITNESS: Well, he told me to.

2 JUDGE STEINBERG: Okay. You said Mike wanted to
3 let her go.

4 THE WITNESS: Okay

5 JUDGE STEINBERG: And I think the transcript will
6 bear me out. That's different.

7 THE WITNESS: I thought he said Mike wanted me to
8 let her go.

9 JUDGE STEINBERG: That's what I said you said.

10 THE WITNESS: Okay

11 BY MR. MASTANDO:

12 Q What did Mike say to you at that time, to the best
13 of your recollection?

14 A I think that was the best of my recollection, is
15 Mike wanted me to let her go. I mean, it was -- it was --
16 essentially was -- I mean, there was no question that that's
17 what I had to do. I mean, that was my job.

18 Q So did Michael Rice direct you to fire Janice
19 Pratt?

20 A Yes, that's what -- yeah, that was definitely a
21 directive.

22 Q And when did he give you this directive? When did
23 he mention this?

24 A It was around, I think, May or June of '92.

25 Q Well, did you fire her at that time?

1 A No, I didn't.

2 Q Why is that?

3 A Well, I had -- it's a weird circumstance. But I
4 had -- started looking for somebody for the overnight
5 position. And when you are programming, the first thing you
6 do is go to your weekender and your part-time pool of
7 employees and see if there is somebody there that you can
8 promote to overnights, to develop them for some of the other
9 day parts at some point.

10 And so I started talking to a guy named Bob
11 Kinneson who was working Saturday nights at the station.
12 And I was talking to him about taking over the position. A
13 couple weeks later Mike called and told me to get rid of Bib
14 Kinneson because he thought that Bob Kinneson was bringing
15 down the Saturday nights. I mean, Saturday nights is
16 supposed to be kind of an up party type of thing, and Bob
17 was -- Bob is kind of a softer adult contemporary type of
18 disc jockey, who I thought would have been very appropriate
19 for overnights.

20 So I started a search then for both the overnight
21 and the weekend position to get rid of both Bob and Janice.
22 You know, when you are recruiting talent, I guess it's
23 easier to replace two than one. So I guess there is some
24 wisdom to that.

25 Bob ended up leaving, and going to another station

1 across town. And Janice was still there and I had not found
2 anybody yet to replace her. Secondly, with Janice, I had
3 problems firing -- there was no way that I could tell her
4 why I was firing her. I can't say she screeched on the air.
5 I mean, that's just not right.

6 JUDGE STEINBERG: Why can't you say that? You
7 screech on the air, you sound lousy. I mean, I would be
8 lousy.

9 THE WITNESS: I thought that was inappropriate. I
10 mean, I didn't feel I had like any documentation to back it
11 up. I mean, the company was real documentation oriented. I
12 mean, they wanted to make sure that if somebody was fired
13 there was good enough reason. And if they were fired for
14 any policy infractions, that there were warnings. And so I
15 had to generate that paper work by -- honestly, heavily
16 scrutinizing.

17 JUDGE STEINBERG: Well, you just can't -- I mean,
18 the in the radio business you can't say "We hired you for
19 this position. You are on the air, and you just sound
20 lousy, and we are going to have to let you go because you
21 sound lousy, you screech?"

22 THE WITNESS: Well, from the knowledge that Mike
23 and Janet have always shared with me in the management of
24 people, you can't do it that way. You have to make sure you
25 have your paper trail.

1 JUDGE STEINBERG: And do you create one if it's
2 not there?

3 THE WITNESS: I don't

4 So it took awhile for me to get rid of her, but I
5 did. And she essentially gave me the reason. She was late
6 for work all the time. So I gave her a verbal warning.
7 Then a written warning that she signed, and I fired her.
8 But it took until, I'm thinking late September or October of
9 '92. So it took a few months. I mean, I was -- and Mike
10 wasn't happy about that either. He told me after I let her
11 go, "Well, you should have done that a long time ago."

12 I would say if I was ever criticized by Mike, that
13 was the only criticism that I really got in my work.

14 BY MR. MASTANDO:

15 Q So was it your idea originally to fire Janice
16 Pratt?

17 A Originally, no, not at all. Because the overnight
18 position is a development position. I mean, you are
19 developing these talents, and my thinking was that so what,
20 she screeches on the air, or however else it was
21 characterized. To me that doesn't matter. My job was to
22 work with her and train her and make her better. That's the
23 way I looked at it. And she had been there about two years,
24 and we still -- I still continued working with her.

25 And granted, that portion of it wasn't getting any

1 better, but her organization of thoughts and things of that
2 nature, and delivery on the air was fine. So I didn't see a
3 reason to fire her. So I had to look for one. And I'm not
4 happy. I'm sorry. I am not happy about that.

5 Q Were you directed by Michael Rice to seek a
6 replacement for Janice Pratt?

7 A Yes.

8 Q What did he say?

9 A To seek a replacement?

10 Oh, to the best of my memory, that was the -- you
11 need to let her go, you need to get rid of her, or something
12 to that effect. She needs to go. I mean, those are --

13 JUDGE STEINBERG: This was after he -- after his
14 hospitalization?

15 THE WITNESS: Yeah, this would have -- yeah, cause
16 this would have been in late spring of '92, probably; May or
17 June, I'm thinking.

18 BY MR. MASTANDO:

19 Q Was it your idea to fire Robert Kinneson?

20 A No, because I -- I mean, I had been talking to him
21 about taking Janice Pratt's place. So I -- I kind of lost
22 two disc jockeys at one time there without, without me doing
23 it.

24 Q So after you received Michael Rice's comments
25 about Robert Kinneson, did you intend to fire Robert

1 Kinneson?

2 A Absolutely, yes. I started looking for a part
3 timer right away, in the same way that I had with Janice. I
4 immediately started looking for somebody to replace her, and
5 then I ended up having to do a two-person search there.

6 JUDGE STEINBERG: Couldn't you say, "Mr. Rice,
7 respectfully, it's my belief that Mr. Kinneson is doing a
8 fine job, and we - as a matter of fact, I considered him for
9 a promotion, and I don't think we ought to let him go"?

10 THE WITNESS: No, I couldn't have.

11 JUDGE STEINBERG: Why?

12 THE WITNESS: Once Mike made up his mind, it was
13 made up.

14 JUDGE STEINBERG: And how did you know that?

15 THE WITNESS: Because it had never been changed
16 before.

17 JUDGE STEINBERG: Did you try?

18 THE WITNESS: On the few different items,
19 including Ben Jacobs at WZZQ, I thought Ben was young and he
20 would work out well. I tried to change his mind. I
21 couldn't.

22 I felt the same about Todd Hohlman. He had bad
23 organizational skills, he wasn't very good at organizational
24 type skills, but he knew the Terre Haute market really well,
25 and I thought that was the best advantage that a program